

Meeting Minutes

June 2, 2004

Town of Los Altos Hills

City Council Special Meeting

Wednesday, June 2, 2004 6:00 P.M.
Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Cheng called the Special Meeting of the City Council to order at 6:05 p.m. in the Council Chambers at Town Hall.

Present: Mayor Emily Cheng, Mayor Pro Tem Mike O'Malley, Councilmember Bob Fenwick, Councilmember Breene Kerr and Councilmember Dean Warshawsky

Absent: None

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, Acting City Engineer/Director of Public Works Dave Ross, Administrative Services Director Sarah Joiner and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to limit the length of time for public comments to three minutes.

2. APPOINTMENTS AND PRESENTATIONS

2.1 Town Picnic Status Report and Program Discussion – Roy Woolsey, Chair Community Relations Committee

Roy Woolsey, Community Relations Committee Chairman, summarized the event schedule for the June 6th Town Picnic. The Mayor and Council will be introduced at 2:15pm and speak briefly to the attendees. Woolsey discussed the “spirit” of the Picnic, explaining that no commercial enterprise will be permitted. The Community Relations Committee is expecting approximately 1200 residents to attend.

Mayor Cheng thanked Woolsey and the Community Relations Committee membership for the many hours they have donated for the event.

2.2 Appointment of Town Representative to the VTA Bicycle & Pedestrian Advisory Committee

Councilmember Warshawsky introduced this item to Council. He noted that Andrew Coleman was an active cyclist and a committed volunteer. He recommended Council appoint Coleman to serve on the VTA Bicycle and Advisory Committee as the Town's representative.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Fenwick and passed unanimously to appoint Andrew Coleman to represent the Town on the Valley Transportation Authority's Bicycle and Pedestrian Committee.

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported that the Planning Commission had approved a modification to a Site Development Permit to allow Pinewood School to grant a license agreement to the Town for a pathway easement. This method for obtaining the pathway was done to accommodate the School District's wish to not grant a long term easement. Cahill noted that the Pathway Committee had recommended approval.

A brief discussion ensued regarding Planning Commissioner and Town Standing Committee appointments. It was noted that the positions had been advertised in the Los Altos Town Crier and the appointments had been agendized for the June 16, 2004 Special City Council Meeting.

4. CONSENT CALENDAR

Items Removed: Item 4.3 (Kerr), Item 4.11 (Warshawsky), Item 4.12 (Staff), Item 4.13 (Staff)

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed unanimously, to approve the remainder of the consent calendar, specifically;

- 4.1 Approval of Minutes: Special City Council Meeting May 6, 2004
Regular City Council Meeting May 6, 2004
Special City Council Meeting May 12, 2004
- 4.2 Review of Disbursements: 04/22/2004 – 05/25/2004 \$614,257.85
- 4.4 Notification of Fast Track Approval: Request for a Site Development Permit for a 1,586 square foot addition (maximum vertical height 25'6"); Lands of Chen, 27460 Altamont Road
- 4.5 Approval of Resolution Ordering and Calling a General Municipal Election to be Held in the Town of Los Altos Hills on November 2, 2004; Requesting the Services of the Registrar of Voters; Requesting Consolidation of Elections and Providing for Giving Notice of the Election
- 4.6 Approval of Revised Newsletter Policy
- 4.7 Approval of a Proclamation Recognizing Louise Spanger as the Walter and Marie Singer Award Recipient
- 4.8 Approval of Vacation of Pathway Easements; Lands of Kerns, 11888 Francemont Drive & Lands of Wang; 11885 Francemont Drive

- 4.9 Approval of Proposed Wind-Up Agreement for ABAG Power Electric Aggregation Program
- 4.10 Approval of a Proposed Resolution Supporting a Joint League/CSAC Policy Statement to Decrease Impacts on Public Health and Safety Resulting from Wildland Urban Interface Fires

Items Removed:

- 4.3 Notification of Planning Commission Approval: Request for a Modification to a Site Development Permit Condition to Provide a License Agreement for Public Access to the Pathway In Lieu of a Pathway Easement Dedication; Pinewood Private School, 26800 Fremont Road

Councilmember Kerr appealed the Planning Commission approval of this item and requested that it be scheduled for a Public Hearing at a future City Council Meeting.

- 4.11 Award of Contract for 2004 Sanitary Sewer Repair and Rehabilitation Project

Councilmember Warshawsky explained that he had requested separate consideration of this item due to the amount of the expenditure.

Acting City Engineer Dave Ross explained that funds had been budgeted during the Sewer Master Plan planning process. It was determined that an annual rehabilitation project of this size would be necessary to maintain the Town's sewers. Funding for the project is from the Sewer Enterprise Fund.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by O'Malley and passed unanimously to approve the Award of Contract for the 2004 Sanitary Sewer Repair and Rehabilitation Project.

Item 4.12 and Item 4.13

- 4.12 Approval of Proposed Ground Lease between the Town of Los Altos Hills and the Purissima Hills Water District Operations Center
- 4.13 Approval of Proposed Facilities Lease between the Town of Los Altos Hills and the Purissima Hills Water District for use of a portion of the La Cresta Tank Site for Emergency Communications

City Manager Cassingham explained that the two items staff has requested be considered separate from the Consent Calendar (4.12 and 4.13) were proposed companion leases that reflect the terms of conditions from negotiations with the Purissima Hills Water District for the construction of their new facilities and the use of their tank site on La Cresta for an antenna to advance the Town's emergency communications system. Cassingham noted that staff was recommending approval of the revised agreements that were before Council in their boxes. She explained that several minor changes had been made to the leases since the distribution of the Council agenda packets, adding that they were not substantive in nature. The revised agreements will be forwarded to the Purissima Hills Water District Board for their approval. If any substantive changes are requested by the

District Board of Directors, the leases will come back to the Council for their consideration and approval.

OPENED PUBLIC COMMENT

Jim Abraham, Emergency Communications Committee Chairman, explained that he was disappointed to learn that the revised lease for the La Cresta tank site for emergency communications (Item 4.13) calls for an antenna height of 10 feet. He noted that a minimum height of 60 feet on the antenna is required to serve the emergency communication needs for the Town. Abraham questioned why the antenna had become an issue, the location is not in the setbacks and the Municipal Code permits heights of 63 feet. He encouraged the Council to adopt the language in the earlier version of the lease.

MOTION SECONDED AND CARRIED: Moved by Fenwick, seconded by O'Malley and passed unanimously to approve the revised ground lease between the Town of Los Altos Hills and the Purissima Hills Water District for the District Operations Center and the revised facilities lease between the Town of Los Altos Hills and the Purissima Hills Water District for use of a portion of the La Cresta Tank site for emergency communications with an amendment to the height of the antenna to permit a 60 foot antenna.

5. UNFINISHED BUSINESS

5.1 Update on Mayor's Goals

5.1.1 New Town Hall – Status Report

5.1.1a TBI Update

Councilmember Kerr reported that the project bids for the new Town Hall will be submitted next Tuesday and the results will be forwarded to the New Town Hall Committee at their regular meeting of June 9, 2004 for review. Contracts will be awarded by the Council at their June 16, 2004 Council Meeting.

Gary Dam, TBI Construction Management, Inc., addressed Council. He reviewed a construction budget spreadsheet noting that real costs will be available after the bid opening. He explained that the expected budget increase is a reflection of the market escalation for both materials and the construction trades.

Mayor Pro Tem O'Malley noted that it was important to understand that the budget increases are due to market conditions. The New Town Hall plan that was approved by the Council has not been changed.

5.1.2 Undergrounding of Utilities – Status Report

Councilmember Warshawsky reported that he had shared the Council's unanimous recommendation with the Undergrounding Subcommittee to use the Rule 20A funds to build a pilot project. The Committee will be looking for an appropriate area in Town

with overhead utilities that incorporates safety aspects and power reliability issues for the project and will initiate community input at the picnic. Warshawsky explained that central to the success of the pilot project is developing an educational program that will clearly define the benefits of undergrounding utilities.

5.1.3 Master Pathway Map – Status Report

Dot Schreiner, Saddle Mountain Drive, reported that the map documentation group and the Pathways Committee are working separately and simultaneously to complete the update and ensure that the map is accurate. The next Pathways Committee meeting is scheduled for June 14, 2004.

Councilmember Warshawsky. Pathways Committee Council liaison, added that Chris Vargas, Pathways Committee Chair, will be making a formal presentation to the Council at their next meeting discussing the proposed hearing and review process for the Pathway Map.

5.1.4 Storm Water Master Plan – Status Report

City Manager Cassingham provided Council with an update on the Storm Water Master Plan. Two additional locations, Natoma Road and Page Mill Road, have been added to the original list of twenty-five areas identified as problematic. These two new areas are prone to slides and earthquake destruction. They are being monitored and maintained to the best of the Town's ability. Cassingham added that no funds have been allocated in the budget if a natural disaster should strike these two sites.

Cassingham noted that it had been determined that it would be beneficial for the Master Plan study being prepared by Nolte Associates to include information describing storm water and drainage flows in the community. This information will assist in identifying the location of the pipes, water drainage and how the waters flow to the creeks in Town.

Cassingham reported that in addition to the Storm Water Master Plan, staff is presently working on a draft storm water detention ordinance that will be presented to Council at a future date and will assist the Town in complying with regional requirements.

5.1.5 Visit to China to Explore Business Opportunities – Completed

6. NEW BUSINESS

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember Fenwick reported that he had attended the Emergency Communications Committee meeting. Thirteen members were in attendance. Discussions included the status and design of the new proposed antenna to be located behind the Heritage House. Councilmember Kerr clarified that the high speed rail alignment that had been supported by the Council at their last meeting is compatible and consistent with the rail alignment favored by the Sierra Club.

Kerr reported that there are numerous on going projects at the VTA and he would be happy to answer any questions.

Mayor Pro Tem O'Malley reported that he had been elected to serve as Chairman of the Lower Peninsula Flood Control District Advisory Committee. This group works with the Santa Clara Valley Water District for the Palo Alto, Cupertino, Los Altos, Los Altos Hills and Mountain View area. At their last meeting, the Water District gave a presentation of the Reach 5 project as a successful model of the Water District working with a community's residents in a responsive and positive manner. O'Malley congratulated everyone who had worked on this successful solution for Adobe Creek.

Mayor Cheng reported that she had met with a concerned member of the Los Altos School Board, speaking on his own behalf, on May 17th. The meeting had included City Manager Cassingham and included a discussion on how the District and the Town might work together to reopen Bullis School as a Los Altos School District School. He estimates that it will cost approximately \$750,000-\$1,000,000 annually to reopen Bullis as a full service school. The formation of a Bullis School Foundation along with financial assistance from the District and the Town was mentioned as possible funding solutions. It was suggested that two School Board Members and the Assistant Superintendent meet with two City Council Members and the City Manager to work on this issue.

Councilmember Warshawsky volunteered to assist with the discussions.

City Attorney Mattas suggested that if Council wished to engage in further discussions, it would be appropriate to agendaize the matter for the next Council meeting.

Staff was directed to place this item on the next agenda.

8. STAFF REPORTS

8.1 City Manager

City Manager Cassingham reported that the cities and public agencies have reached an agreement with the Governor and agreed to funding cuts for the next two years to assist the State Budget for his support for a constitutional amendment that will protect local revenues into the future and keep them local. This is a different effort than the California League of Cities initiative that will be on the November ballot. Cassingham requested that she be authorized to draft letters to the Town's State Legislators for the Mayor's signature in support of this agreement, noting that this is consistent with the Council's authorization in the past.

City Manager Cassingham thanked Town staff, especially Sarah Joiner, Carl Cahill, Debbie Pedro, Angelica Herrera Olivera and Steve Garcia, for their many hours of work to facilitate the upcoming relocation of Town Hall to Bullis School. They have overseen numerous responsibilities including: site planning and office layouts, re-keying of the facility, installation of voice and data lines, cleaning the new facility and packing.

8.2 City Attorney

City Attorney Steve Mattas noted that a memo had been drafted and sent to Council from his office in response to a request from Council at their last meeting regarding various alternatives relating to interest in acquiring the Bullis School site. Mattas encouraged Council to review the material and contact his office if they have any questions.

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

9.1 Approval of Resolution of Commendation for Alex and Kathy Mendez for their Donation of Maple Leaf Farm as the Derby Day Fundraising Venue for Westwind Barn – Councilmember Warshawsky

Councilmember Warshawsky commented that this was a very nice gesture from the Town and an appropriate thank you for the Mendez's generosity.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by O'Malley and passed unanimously to approve the Resolution of Commendation for Alex and Kathy Mendez.

10. PRESENTATIONS FROM THE FLOOR

OPENED PRESENTATIONS FROM THE FLOOR

CLOSED PRESENTATIONS FROM THE FLOOR

11. PUBLIC HEARINGS

11.1 Proposed Cable System Regulatory Ordinance

City Manager Cassingham introduced this item to Council. She noted that staff is recommending that the City Council waive reading and introduce the proposed Cable System Regulatory Ordinance amending the Municipal Code. Cassingham introduced, Carl Pilnick, Telecommunications Management Corporation, whose services were engaged by the Town to facilitate the development of a new cable system regulatory ordinance. Pilnick is also assisting with the negotiations for a new franchise agreement with Comcast.

Mr. Pilnick addressed Council. He explained that Council had before them an enabling/regulatory ordinance that will allow the Town to regulate cable system operations to the extent permitted by applicable Federal and California laws. Pilnick noted that the draft ordinance gives the Town the maximum flexibility and is a requirement for negotiations for a new franchise agreement. The proposed ordinance does provide the ground rules for more than one provider. Comcast had been provided a copy of the draft ordinance and opportunity to comment and to date had not forwarded any comments.

Pilnick briefly discussed the status of the franchise agreement negotiations with Comcast. The key elements being discussed are: 1) monetary support from Comcast for a cable casting facility in the new Town Hall; 2) a channel to be utilized for Town and educational programming; and 3) cable service for the entire community. At this time approximately 300-400 homes are not receiving cable service.

Pilnick recommended Council approve the proposed Cable System Regulatory Ordinance.

OPENED PUBLIC HEARING

John Harpootlian, Anacapa Drive, questioned why the ordinance did not contain any language regarding cable company pricing and public access channels. He would like it to be more competitive. Harpootlian hoped Council would be mindful during the negotiations that they were discussing his dollars not the cable companies or the Town's

Carl Pilnick explained that the Town does not have the authority to set rates. They are the jurisdiction of Congress.

Jim Abraham, Viscaino Road, expressed his opinion that he is hopeful that any funds that are realized from Comcast are directed to the audio system in the new Town Hall.

Eric Clow, Planning Commissioner, Central Drive, advised Council that his street is not served by the cable company.

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed by the following roll call vote to waive reading and introduce the Cable System Regulatory Ordinance amending the Municipal Code.

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Fenwick,
Councilmember Kerr and Councilmember Warshawsky
NOES: None
ABSENT: None
ABSTAIN: None

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to adjourn to the Closed Session at 7:50 pm.

12. CLOSED SESSION

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: Government Code Section 54956.9(a): Campbell and Ligeti v. Town of Los Altos Hills

The City Council reconvened to the Regular City Council meeting at 8:02 pm.
No action was taken

13. ADJOURNMENT

There being no further business, the Special City Council Meeting was adjourned at 8:04 pm.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the June 2, 2004 Special City Council Meeting minutes were approved as corrected at the June 16, 2004 Special City Council Meeting.